Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
ITL.1047US (P17449)

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on July 19, 2006

Signature /Nancy Meshkoff/

Typed or printed name Nancy Meshkoff

Application Number	Filed
10/726,418	December 3, 2003

First Named Inventor	
John I. Garney	
Art Unit	**Examiner**
2186	Paul W. Schlie

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 28,994
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

/Timothy N. Trop/
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Typed or printed name

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Telephone number

July 19, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	John I. Garney	§	Art Unit:	2186
Serial No.:	10/726,418	§	Examiner:	Paul W. Schlie
Filed:	December 3, 2003	§	Docket:	ITL.1047US P17449
For:	Write-Back Disk Cache	§	Assignee:	Intel Corporation

Mail Stop **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL REQUEST FOR REVIEW

Sir:

Pre-Appeal Review is requested because the rejection is based on the application itself. In other words, the pending application is the only art cited to teach the claimed invention.

In the background, at page 2, lines 18-23, it is noted that during system startup, a disk may be accessed by a basic input/output system disk request. Later in startup, after an operating loads the disk drive, the software driver, the disk may be accessed by the operating system.

Just because it is possible to access the disk before system startup does not mean that it is anticipated or obvious to write a dirty cache line to a disk prior to disk driver loading and to monitor the disk write request prior to disk driver loading.

In other words, there is nothing within the present application that teaches writing a dirty cache line to a disk drive prior to disk loading. The mere fact that you can write something to the disk drive prior to disk driver loading is not sufficient to meet the claimed invention. Nobody ever monitored for a disk write request prior to disk driver loading and no

reference is cited to teach the same. Therefore neither element is taught within the background of the present application and there is no basis for the rejection.

Likewise the requirement that the stack be illustrated is noted. It is apparently premised on the fact that dependent claim 7 refers to a stack. But a stack is not a physical object. It is merely an organization in software. For example, "stack" is defined as "hardware registers or a reserved amount of memory used for arithmetic calculations or to keep track of internal operations". *See* McGraw-Hill Computer Desktop Encyclopedia (attached). Thus there does not appear to be any way to illustrate a stack other than to simply draw a box. It is unclear where the box would be drawn or how drawing such a box would in any way help the present application. Given this quandary, it seems that there is no reason to draw software stacks since processor stacks are well-known, and it is know how they operate and where they reside.

Therefore reconsideration is requested.

Respectfully submitted,

Date: July 19, 2006

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SSE (1) (Single SIMD Extensions) A group of 70 instructions added to the Pentium III chip that improves 3-D graphics performance. It includes floating point capability for 3-D geometry calculations. SSE is the second set of enhancements to the Intel CPU chips for multimedia operations (MMX was the first). The Pentium 4 added 144 more instructions known as SSE2. SSE was originally code named the Katmai New Instructions (KNI), because the Pentium III was code named Katmai. See ***Pentium III***, *MMX* and *SIMD*.

(2) A Protected Mode full-screen editor in OS/2.

SSI (1) See *server-side include* and *single-system image*.

(2) (Small-Scale Integration) Less than 100 transistors on a chip. See *MSI*, *LSI*, *VLSI* and *ULSI*.

SSJS (Server-Side JavaScript) A JavaScript interpreter for running JavaScript programs on the server. It includes a library of objects and functions for accessing databases, sending e-mail and performing other tasks. Contrast with *CSJS*.

SSL (Secure Sockets Layer) The leading security protocol on the Internet. When an SSL session is started, the server sends its public key to the browser, which the browser uses to send a randomly-generated secret key back to the server in order to have a secret key exchange for that session. Developed by Netscape, SSL has been merged with other protocols and authentication methods by the IETF into a new protocol known as Transport Layer Security (TLS). See *TLS*, *security protocol* and *public key cryptography*.

SSP (1) (Service Switching Point) The local exchange node in an SS7 telephone network. The SSP can be part of the voice switch or in a separate computer connected to it. The SSP creates SS7 signaling messages that are sent to a "service control point" (SCP) to query databases for subscriber service and routing information. See *AIN* and *SCP*.

(2) (Storage Service Provider) A third party that manages the storage facilities for an enterprise. The storage devices can be on the customer's premises or at the SSP's site connected to the customer's machines via fiber-optic links. See *ASP*.

(3) (Switch to Switch Protocol) The protocol used in DLSw that locates resources and routes messages.

(4) (System Support Program) A multiuser, multitasking operating system from IBM that is the primary control program for the System/34 and System/36.

stack (1) A set of hardware registers or a reserved amount of memory used for arithmetic calculations or to keep track of internal operations. Stacks keep track of the sequence of routines called in a program. For example, one routine calls another, which calls another and so on. As each routine is completed, the computer returns control to the calling routine all the way back to the first one that started the sequence. Stacks used in this way are LIFO based: the last item, or address, placed (pushed) onto the stack is the first item removed (popped) from the stack.

Stacks are also used to hold interrupts until they can be serviced. Used in this manner, they are FIFO stacks, in which the first item onto the stack is the first one out of the stack. See ***DOS Stacks***.

An "internal stack failure" is a fatal error which means that the operating system has lost track of its next operation. Restarting the computer usually corrects this, otherwise the operating system may have to be re-installed. See *stack dump* and *stack fault*.

(2) See *protocol stack* and *HyperCard*.

stackable hub A type of Ethernet hub that can be expanded by daisy chaining additional hubs together via dedicated ports for that purpose. They are designed to stack vertically and be treated as a single domain by the network management software.

stack dump The contents of a stack. A stack dump is often displayed when an error occurs. See *stack*.

stacker (1) An output bin in a document feeding or punched card machine. Contrast with *hopper*.

(2) (Stacker) A realtime compression program from Stac Electronics, Carlsbad, CA (www.stac.com) that doubles the disk capacity of a DOS, Windows, Mac or OS/2 computer.

stack fault An error condition that occurs when the stack is either empty or full. See *stack overflow*.

stack overflow An error condition that occurs when there is no room in the stack for a new item. This error condition can also occur when other things go awry; for example, a bad expansion board or one that isn't seated properly in the slot can cause erratic signals eventually leading to a stack overflow error message. Contrast with *stack underflow*. See *stack*.